## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA SOUTH BEND DIVISION

KEITH COOPER,	)
Plaintiff,	)
v.	) CAUSE NO. 3:17-CV-834-PPS-MGC
STEVE REZUTKO, et al.,	)
Defendants.	)
	)

## **ORDER**

On November 16, 2017, Defendant, City of Elkhart, filed its Notice of Extension. [DE <u>16</u>]. Through its motion, the City indicates that Plaintiff has agreed to an extension of time for it to file an answer or other pleadings in response to plaintiff's complaint. N.D. Ind. L.R. 6-1(b)(1)–(3) allows for automatic initial extensions of deadlines to respond to a pleading

when an extension notice is filed with the court and (1) the deadline has not been extended before; (2) the extension is for 28 or fewer days; and (3) the notice states (A) the original deadline; (B) the new deadline; and (C) that all opposing attorneys the attorney could reach agreed to the extension; or that the party could not reach any other opposing attorneys despite due diligence.

Here, the City's Notice satisfied most of the requirements for an automatic extension, but provided an extension that exceeded the 28-day limit set forth in Local Rule 6-1(b)(2). Moreover, the City's notice confusingly noted an extension of 60 days, but explicitly noted January 15, 2018—42 days after the current deadline—as the agreed deadline.

Despite these shortcomings under Local Rule 6-1(b), Plaintiff has not objected to an extension of time for the City to file its responsive pleading. Therefore, the Court **EXTENDS** the City's responsive pleading deadline, but only until **January 15, 2018**. [DE 16].

## SO ORDERED.

Dated this 17th day of November 2017.

s/Michael G. Gotsch, Sr.
Michael G. Gotsch, Sr.
United States Magistrate Judge